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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **SEATTLE DIVISION**

11 ANDREW C. BUCHANAN,

12 Plaintiff,

13 v.

14 REALOGICS BROKERAGE, LLC and
15 PAMELA N. BELLAH,

16 Defendants.

CASE NO. 2:21-cv-01369

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT (INJUNCTIVE RELIEF
DEMANDED)**

17 Plaintiff ANDREW C. BUCHANAN by and through his undersigned counsel, brings this
18 Complaint against Defendants REALOGICS BROKERAGE, LLC AND PAMELA N. BELLAH
19 for damages and injunctive relief, and in support thereof states as follows:

20 **SUMMARY OF THE ACTION**

21 1. Plaintiff ANDREW C. BUCHANAN ("Buchanan") brings this action for
22 violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute
23 Buchanan's original copyrighted Work of authorship. Buchanan licenses his copyrighted Works,
24 such as the one in this case, to real estate associates and brokerages for use in connection with
25 promoting real estate listings.
26

1 2. For the past 21 years, Seattle architectural photographer Andrew Buchanan offers
2 photography of architecture, interiors, commercial & public spaces, and other built environments
3 to design and marketing professionals, hotels and resorts, developers, magazines, and advertisers
4 needing compelling, graphic photos. Over 300 firms have trusted him to feature their best
5 projects. He specializes in architectural and interiors photography, helicopter aerial
6 photography, land design photography, and hotel & resort photography throughout Washington,
7 Oregon, and nationwide.
8

9 3. Defendant REALOGICS BROKERAGE, LLC (“Realogics”) is a licensed real
10 estate corporation and broker.

11 4. Defendant PAMELA N. BELLAH (“Bellah”) is a real estate associate licensed in
12 the state of Washington, who is an employee under the brokerage of Realogics.

13 5. Realogics and Bellah are collectively referred to herein as “Defendants.”

14 6. Buchanan alleges that Defendants obtained Buchanan's copyrighted Work from
15 the internet or prior listings for other properties on multiple listing services of which Defendants
16 are members in order to carry out their activities as a professional real estate agent and broker.
17 Defendants copied Buchanan's copyrighted Work from the internet or prior real estate listings
18 without Buchanan's permission. The prior real estate listings that Defendants may have used to
19 copy Buchanan's copyrighted Work are available to all professional licensed real estate
20 associates and brokers who are members of the multiple listing service where the photos were
21 posted, and they are also available publicly on the internet.
22

23 7. Defendants distributed Buchanan's copyrighted Work also without Buchanan's
24 permission, such as through real estate listings on multiple listing services. Defendants
25 committed the violations alleged by copying and distributing Buchanan's copyrighted Work in
26

1 connection with Defendants' real estate listing posted on one or more multiple listing services for
2 purposes of advertising and promoting public real estate listings in the course and scope of
3 Defendants' professional real estate businesses.

4 8. Defendant Realogics, the broker for Bellah appears as listing broker on the real
5 estate listing where Bellah committed the violations of Buchanan's exclusive rights under the
6 copyright act.

7 9. Buchanan's Work is protected by copyright but is not otherwise confidential,
8 proprietary, or trade secrets.
9

10 **JURISDICTION AND VENUE**

11 10. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

12 11. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C.
13 §§ 1331, 1338(a).

14 12. Defendants are subject to personal jurisdiction in Washington.

15 13. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a)
16 because the events giving rise to the claims occurred in this district, Defendants engaged in
17 infringement in this district, Defendants reside in this district, and Defendants are subject to
18 personal jurisdiction in this district.
19

20 **DEFENDANTS**

21 14. Realogics Brokerage, LLC is a Washington Limited Liability Company with its
22 principal place of business at 2609 First Ave, Seattle, Washington, 98121, and can be served by
23 serving its Registered Agent, Mr. Dean Jones, 2715 1st Avenue, Seattle, Washington, 98121.
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26

1 15. Pamela N. Bellah is a Washington licensed real estate sales associate, License
2 Number 23472, who resides in King County, Washington, and can be served at 13418 209th SE
3 Avenue, Issaquah, Washington, 98027.

4 **THE COPYRIGHTED WORK AT ISSUE**

5 16. In 2007, Buchanan created the photograph entitled df011003_aerial Seattle
6 waterfront photo, which is shown below and referred to herein as the “Work”.
7



22 17. Buchanan registered the Work with the Register of Copyrights on July 20, 2007
23 and was assigned the registration number VA 1-421-731. The Certificate of Registration is
24 attached hereto as Exhibit 1.

25 18. Buchanan's Work is protected by copyright but is not otherwise confidential,
26 proprietary, or trade secrets.

1 19. At all relevant times Buchanan was the owner of the copyrighted Work at issue in
2 this case.

3 **INFRINGEMENT BY DEFENDANTS**

4 20. The Defendants have never been licensed to use the Work at issue in this action
5 for any purpose.

6 21. On a date after the Work at issue in this action was created, but prior to the filing
7 of this action, Defendants copied, displayed, or distributed the Work or made derivative works
8 from the Work.

9 22. Defendants copied Buchanan's copyrighted Work from prior listings for other
10 properties on multiple listing services of which Defendants are members, obtained the Work
11 from the internet, or from other real estate associates.

12 23. After Defendants copied the Work, they made further copies and distributed the
13 Work on, inter alia, one or more multiple listing services or the internet to promote the sale of the
14 property depicted in the Work or similar properties as part of their professional real estate
15 businesses.

16 24. Defendants copied and distributed Buchanan's copyrighted Work in connection
17 with their real estate listing posted on one or more multiple listing services or the internet for
18 purposes of advertising and promoting public real estate listings in the course and scope of
19 Defendants' professional real estate businesses, and in the course and scope of rendering
20 professional real estate services as associates and brokers.

21 25. Defendants committed copyright infringement of the Work as evidenced by the
22 documents attached hereto as Exhibit 2.
23
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1 26. Buchanan never gave the Defendants permission or authority to copy, distribute
2 or display the Work at issue in this case, or create derivative works or the Work.

3 27. Buchanan notified the Defendants of the allegations set forth herein on March 29,
4 2021. To date, Defendants have failed to respond to Plaintiff's Notice. A copy of the Notice to
5 Defendants is attached hereto as Exhibit 3.

6
7 **COUNT I**
8 **COPYRIGHT INFRINGEMENT BY BELLAH**

9 28. Plaintiff incorporates the allegations of paragraphs 1 through 27 of this Complaint
10 as if more fully set forth herein.

11 29. Buchanan owns a valid copyright in the Work at issue in this case.

12 30. Buchanan registered the Work at issue in this case with the Register of Copyrights
13 pursuant to 17 U.S.C. § 411(a).

14 31. Bellah copied, displayed, and distributed the Work at issue in this case and made
15 derivatives of the Work without Buchanan's authorization in violation of 17 U.S.C. § 501.

16 32. Bellah performed the acts alleged in the course and scope of their business
17 activities.

18 33. Bellah's acts were willful.

19 34. Buchanan has been damaged.

20 35. The harm caused to Buchanan has been irreparable.

21
22 **COUNT II**
23 **VICARIOUS COPYRIGHT INFRINGEMENT BY REALOGICS**

24 36. Plaintiff incorporates the allegations of paragraphs 1 through 27 of this Complaint
25 as if more fully set forth herein.

26 37. Buchanan owns a valid copyright in the Work at issue in this case.

1 38. Buchanan registered the Work at issue in this case with the Register of Copyrights
2 pursuant to 17 U.S.C. § 411(a).

3 39. Bellah copied, displayed and distributed the Work at issue in this case and made
4 derivatives of the Work without Buchanan's authorization in violation of 17 U.S.C. § 501.

5 40. Realogics had the right and ability to supervise the infringing activities of Bellah
6 alleged herein.

7 41. Realogics had a direct financial interest in the infringing activities alleged herein.
8

9 42. As a result of Realogics's vicarious infringement as alleged above, Realogics
10 obtained direct and indirect profits it would otherwise not have realized but for its infringement
11 of the Work.

12 43. Realogics has continued to copy, display, and distribute the Work at issue with
13 knowledge that such acts violate Buchanan's intellectual property rights.

14 WHEREFORE, the Plaintiff prays or judgment against the Defendants Realogics
15 Brokerage, LLC and Pamela N. Bellah that:
16

17 a. Defendants and their officers, agents, servants, employees, affiliated entities, and
18 all of those in active concert with them, be preliminarily and permanently enjoined from
19 committing the acts alleged herein in violation of 17 U.S.C. § 501;

20 b. Defendants be required to pay Plaintiff his actual damages and Defendants profits
21 attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17
22 U.S.C. § 504;

23 c. Plaintiff be awarded his attorneys' fees and costs of suit under the applicable
24 statutes sued upon;
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1 d. Plaintiff be awarded such other and further relief as the Court deems just and
2 proper; and

3 e. Plaintiff be awarded pre- and post-judgment interest.

4 **JURY DEMAND**

5 Plaintiff hereby demands a trial by jury of all issues so triable.

6 DATED: October 7, 2021

Respectfully submitted,

8 /s/ Joel B. Rothman

9 JOEL B. ROTHMAN

Washington Bar Number: 57717

10 joel.rothman@sriplaw.com

11 **SRIPLAW**

21301 Powerline Road, Suite 100

12 Boca Raton, FL 33433

13 561.404.4350 – Telephone

14 561.404.4353 – Facsimile

15 *Attorneys for Plaintiff Andrew C. Buchanan*